

**NATIONAL LABOR RELATIONS BOARD**

CITY COMMUNICATIONS CORP.

Respondent

&

COMMUNICATIONS WORKERS  
OF AMERICA LOCAL 3010  
(UTCPR),

Petitioner

Case 12-RC218548

**MOTION FOR LEAVE TO FILE RESPONSE BRIEF**

To the Honorable David Cohen, Regional Director of the National Labor Relations Board:

Comes now City Communications Corp. (City Comm) and, pursuant to section 102.67(h) of the National Labor Relations Board's Rules and Regulations, respectfully moves the Honorable Director for leave to file a response brief to address important factual and legal matters raised in Petitioner's opening brief.

The Representation Hearing in this case lasted four days and concluded on May 7, 2018. Then, the Hearing Officer informed the parties that the Regional Director had granted City Comm's request to file post-hearing briefs, which were due on May 14, 2018. The Hearing Officer, however, did not say anything about response or reply briefs.

The controversy in this case, whether the installers are independent contractors or employees of City Comm, turns on very fact-intensive issues, and there have been similar cases with different outcomes. *Compare Carso Construction de Puerto Rico, LLC*, 12-RC-127828 (2014) (holding that similar installers were independent contractors) *with UNO*

*Digital Corp*, 12-RC-159482 (2015) (holding that the installers were employees). It is because of the fact-intensive nature of this case, the voluminous record (which required a four-day hearing), and the jurisdictional controversy to be resolved, which has produced conflicting decisions—albeit with different facts, that City Comm respectfully submits that there are special circumstances here that merit the filing of response briefs.

Specifically, City Comm must point out several inaccuracies in the factual background section of the Union’s opening brief and briefly respond to some of the Union’s arguments regarding only four of the ten non-exclusive factors discussed in their brief. The proposed response brief is tendered as Exhibit No. 1 of this motion for the Regional Director’s consideration.

I hereby certify that on this same date I sent a copy of this motion, to attorney Richard Rouco, the Union’s legal representative, to his email address, [rrouco@qcwdr.com](mailto:rrouco@qcwdr.com).

Dated: May 21, 2018

Respectfully submitted,

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